

THE PERSONNEL POLICIES AND PROCEDURES MANUAL

APPOMATTOX COUNTY

**ADOPTED BY BOARD OF SUPERVISORS
DECEMBER 4, 2000**

TABLE OF CONTENTS

1. GENERAL	1
1.1 GENERAL PRINCIPLES	1
1.2 OBJECTIVES	1
1.3 APPLICABILITY OF THE POLICIES	1
1.4 DISSEMINATION OF RULES	2
1.5 ADMINISTRATION	2
1.6 EFFECTIVE DATE	2
1.7 REVISIONS AND AMENDMENTS	2
1.8 INTERPRETATION	2
1.9 DELEGATION	2
2. DEFINITIONS	3
3. EQUAL EMPLOYMENT OPPORTUNITY	5
3.1 POLICY STATEMENT	5
3.2 ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES	5
3.3 HARASSMENT	5
3.4 VIOLATIONS	7
3.5 RETALIATION	7
4. QUALIFICATIONS FOR EMPLOYMENT	8
4.1 EMPLOYMENT AND RECRUITMENT OF PERSONNEL	8
4.2 OFFERS OF EMPLOYMENT	8
4.3 INTERNAL APPLICANTS	8
4.4 PHYSICAL STANDARDS AND MEDICAL EXAMINATIONS	8
4.5 EMPLOYMENT VERIFICATION	8
4.6 FORM OF APPLICATION	8
4.7 NEPOTISM	8
4.8 LICENSES	9
4.9 PROBATIONARY PERIOD	9
4.10 RE-EMPLOYMENT	9
4.11 RESIGNATION	10
4.12 DUAL EMPLOYMENT	10
5. CLASSIFICATION AND COMPENSATION	10
5.1 CLASSIFICATION	10
5.2 SALARY RATES	10
5.3 COMPENSATION AND ADMINISTRATION OF THE PAY PLAN	10
5.4 STARTING SALARY	10
5.5 SALARY INCREASES	11
5.6 PROMOTIONS	11
5.7 PART-TIME EMPLOYMENT	11
5.8 TRANSFER, DEMOTION, RECLASSIFICATION	12
5.9 DEDUCTIONS	12
5.10 DEDUCTIONS ON TERMINATIONS	12
6. LEAVE	13
6.1 GENERAL LEAVE	13
6.2 EDUCATIONAL LEAVE	14
6.3 CIVIL LEAVE	14
6.4 MILITARY LEAVE	15
6.5 FAMILY AND MEDICAL LEAVE	15

6.6	LEAVE WITHOUT PAY	19
6.7	WORKERS' COMPENSATION	19
6.8	UNAUTHORIZED LEAVE	20
7.	HOURS OF WORK AND OVERTIME	20
7.1	NORMAL HOURS OF WORK	20
7.2	HOLIDAYS	20
7.3	SPECIAL DUTY LEAVE	21
7.4	COMPENSATORY TIME	21
7.5	TIME SHEETS	22
8.	EMPLOYEE BENEFITS	22
8.1	GROUP LIFE INSURANCE	22
8.2	GROUP HOSPITALIZATION AND SURGICAL INSURANCE	22
8.3	RETIREMENT PROVISIONS	22
8.4	SOCIAL SECURITY	22
8.5	UNEMPLOYMENT INSURANCE	22
9.	LAYOFF	23
10.	EMPLOYEE PERFORMANCE EVALUATION	23
10.1	EVALUATION	23
10.2	REVIEW WITH EMPLOYEE	24
11.	TRAVEL	25
11.1	TRAVEL REGULATIONS	25
12.	DRUG AND ALCOHOL USE	27
12.1	GENERAL OVERVIEW	27
12.2	DISCIPLINE FOR ALCOHOL OR ILLEGAL DRUG USE	27
12.3	DRUG AND ALCOHOL SCREENING	27
12.4	REFUSAL TO SUBMIT TO TEST	27
12.5	CONSEQUENCE OF POSITIVE DRUG OR ALCOHOL TEST	28
12.6	REPORTING REQUIREMENTS	28
13.	OCCUPATIONAL SAFETY AND HEALTH	28
13.1	PURPOSE AND POLICY	28
13.2	RESPONSIBILITY	29
13.3	SAFETY POLICY	29
13.4	ADHERENCE TO SAFETY RULES	31
14.	MISCELLANEOUS	32
14.1	GIFTS AND GRATUITIES	32
14.2	PERSONAL MAIL	32
14.3	COUNTY VEHICLE	32
14.4	PERSONAL USE OF COUNTY PROPERTY	32
14.5	MONITORING AND INSPECTION OF COUNTY EQUIPMENT	32
14.6	CONFLICT OF INTEREST	32
14.7	MEDIA STATEMENTS	33
14.8	CHANGE OF ADDRESS	33
14.9	ATTENDANCE	33
14.10	INCLEMENT WEATHER	33
14.11	SMOKING	33
14.12	POLITICAL ACTIVITY	34
14.13	COMMUNITY ACTIVITIES	34
14.14	GROOMING	34

15. DISCIPLINE	<u>35</u>
15.1 SUSPENSIONS	<u>35</u>
15.2 DEMOTIONS	<u>35</u>
15.3 DISMISSALS	<u>35</u>
15.4 STANDARDS OF CONDUCT	<u>35</u>
15.5 CAUSES FOR DISCIPLINE, SUSPENSION, DEMOTION, OR DISMISSAL	<u>36</u>
15.6 PRE-SUSPENSION OR TERMINATION PROCEDURE	<u>37</u>
15.7 SUSPENSION PENDING OUTCOME OF A CRIMINAL ACTION	<u>38</u>
16. GRIEVANCE PROCEDURE	<u>38</u>
16.1 COVERAGE OF PERSONNEL	<u>38</u>
16.2 GRIEVABLE ISSUES	<u>38</u>
16.3 PROCEDURE	<u>39</u>
16.4 MANAGEMENT STEPS	<u>39</u>
16.5 DETERMINING ISSUES QUALIFYING FOR A PANEL HEARING	<u>40</u>
16.6 PANEL HEARING	<u>41</u>
16.7 COMPLIANCE	<u>43</u>
17. PERSONNEL RECORDS	<u>44</u>
17.1 OFFICIAL PERSONNEL FILE POLICY	<u>44</u>

1. GENERAL

1.1 GENERAL PRINCIPLES

This Manual is provided to describe the County's practices with regard to employment, promotion, demotion, dismissal and any other activities dealing with employment with the County.

These policies neither constitute a contract of employment or confer contractual rights, either express or implied, upon any employee, nor do they guarantee employment for any period of time. These policies supercede all prior policies and procedures as to the subjects addressed.

1.2 OBJECTIVES

The specific objectives of the County's personnel management system are:

- to provide a clear statement of policies, rules, regulations and standards that shall govern the conduct of employees;
- to define the rights and responsibilities of all County employees who are not otherwise exempted from these policies;
- to establish and maintain a sound salary structure which will attract and retain qualified employees;
- to establish and maintain salary ranges which will assure internal equity of compensation based on the systematic evaluation of each job;
to maintain the salary structure in a proper relationship with competitive pay
- practices in the labor market in which the County competes; and
- to provide a consistent and effective means of recognizing improved and outstanding performance.

1.3 APPLICABILITY OF THE POLICIES

This Manual applies to all employees of the County, except the County Administrator, employees of Constitutional officers, Department of Social Services, courts, library, and employees specifically exempted by action of the Appomattox Board of Supervisors.

The County Administrator, Constitutional officers and their employees, Department of Social Services, courts, library, and other employees exempted from this policy may petition to the Appomattox County Board of Supervisors for inclusion in this policy if they so choose.

In certain cases, employees of the County may report to Constitutional officers or other supervisors that are not employees of the County. In these isolated cases, the policies listed herein still apply to the employee of the County and the Constitutional officer or other supervisor acts as a department head in administering the Personnel Policy.

1.4 DISSEMINATION OF RULES

The County Administrator is responsible for assuring that every employee has a copy of this Manual and any changes thereto.

1.5 ADMINISTRATION

An official set of personnel records shall be maintained on each employee, including the application for employment; references; scores of applicable tests; ratings; merit evaluations; letters of commendation; reprimands and disciplinary actions; performance evaluations, salary history, leave records, requests for transfer, and promotions. Information pertaining to a disability, medical condition, immigration status, race, ethnicity, and religion that may be acquired during the normal course of conducting business shall be kept in separate files and kept confidential; access to these files shall only be as authorized by the County Administrator.

1.6 EFFECTIVE DATE

These personnel policies shall become effective upon the adoption by the Appomattox Board of Supervisors.

1.7 REVISIONS AND AMENDMENTS

The Appomattox Board of Supervisors can eliminate, modify, or augment these policies at any time and, when so amended, the new policies shall have the full force and effect on every employee from that date forward.

When, in the opinion of the County Administrator, a reasonable change has occurred to warrant an amendment to this Manual, such an amendment will be made with the approval of the Appomattox County Board of Supervisors.

1.8 INTERPRETATION

The County Administrator shall be responsible for the implementation and interpretation of these policies.

1.9 DELEGATION

The County Administrator may designate another County employee to exercise the duties entrusted to him under these policies. The duties assigned to the County Administrator under the grievance procedure may not be delegated.

2. DEFINITIONS

Where used within this Manual, the following words and terms shall have the meanings indicated below:

(A) **Appointing authority**

Unless otherwise specified, the appointing authority shall be construed to mean the County Administrator.

(B) **Class or class of positions**

A group of positions sufficiently alike in duties to justify the same class title and range of pay.

(C) **Class description**

A written description of a class or group of positions containing a title, statement of typical duties, responsibilities, and minimum or desirable qualifications for applicants or incumbents to insure satisfactory performance.

(D) **Classification**

The entire process of assigning and reassigning individuals to positions, positions to classes, and classes to grades, to the end that employees will be employed and compensated on the basis of merit, fitness, and actual duties performed, so that there may exist comparable pay for comparable work.

(E) **County Administrator**

The County Administrator is the individual appointed to such position by the Board of Supervisors; the responsibilities of the County Administrator as provided in these policies may be performed by other individuals who have been delegated such authority by the County Administrator.

(F) **Demotion**

The change of an employee from a position in one class to a position in another class having a lower pay grade and requiring the performance of less responsible duties.

(G) **Grade or pay grade**

The numerical designation of a fixed salary range assigned to a position, class, or group of classes.

(H) **Immediate Family Member**

Unless otherwise stated in policy, the father, mother, brother, sister, grandparents, mother-in-law, father-in-law, and child of the employee or the employee's spouse whether the relationship is by birth or adoption.

(I) **Position description**

A written description of the duties or tasks to be performed by an individual in a particular position.

(J) **Promotion**

Placement into a vacant position at a higher salary grade.

(K) **Probationary period**

The initial six-month, or 1040 hours, whichever comes first, that an employee serves in his or her initial position or a position to which he or she is promoted.

(L) **Reclassification**

When the duties of a position have changed as a result of additional duties being added, duties removed, or a need for higher levels of skill and expertise, the position is redefined and may be placed in a different class of positions.

(M) **Types of employment**

Full-time: Full-time employees are paid on a salaried basis to work a minimum of 2,080 hours per year (52 weeks @ 40 hours per week = 2,080/year) although their actual hours may be less.

Part-time: Part-time employees work less than 8 hours per day or less than 30 hours per week, or are employed to work less than the normal number of weeks per year. These positions are for indefinite terms.

Temporary: Employees may work full- or part-time for a definite term, on a

project or grant basis, seasonally, or intermittently on an as-needed basis.

3. EQUAL EMPLOYMENT OPPORTUNITY

3.1 POLICY STATEMENT

It is the policy of the County to provide equal opportunity in employment and to administer employment policies without regard to race, color, religion, sex, age, national origin, creed, disability, or veteran's status. This policy applies to every aspect of employment practices including, but not limited to the following:

- (A) recruiting, hiring and promoting; and
- (B) all other personnel actions such as compensation, benefits, transfers, layoffs, returns from layoffs, and assignments.

3.2 ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES

The County is committed to providing equal employment opportunities to qualified individuals with disabilities. Reasonable accommodations will be provided to a qualified employee or applicant with a disability when a request for an accommodation is made. A qualified employee or applicant is one who is able to perform the essential functions of the job with or without accommodation. A request for an accommodation will be denied if the accommodation is not shown to be effective, places an undue burden on the County, or if the employee poses a direct threat to health and safety.

3.3 HARASSMENT

The County is committed to having a diverse workforce with all employees being valued for their individual capabilities and contributions, complying with all federal, state, and local laws on equal employment opportunity, and providing a workplace free from tensions involved in conduct that does not relate to the County's business. In particular, the hostile atmosphere created by non-work related conduct including ethnic, racial, sexual, or religious remarks, animosity, unwelcome sexual advances, requests for sexual favors, or other similar conduct is not permitted.

(A) Harassment Prohibited

Harassment based on race, sex, color, national origin, religion, age, disability, marital or veteran status will not be tolerated. Conduct that may rise to the level of harassment includes verbal remarks (epithets, derogatory statements, slurs, jokes), physical contact (assaults, physical interference with movement or work, touching), visual displays (displaying of printed or photographic materials, objects), and other actions that are demeaning or hostile. Harassment arises from the dynamics of the workplace and can be based on nuances, subtle perceptions, and implicit communications.

(B) Sexual Harassment

Sexual harassment is unwelcome advances, requests for favors, or other verbal or physical conduct of a sexual nature when:

1. submission to such conduct is either explicitly or implicitly made a term of condition of employment;
2. submission or rejection of such conduct is used as a basis for employment decisions; or
3. the conduct unreasonably interferes with an individual's work performance or is severe or pervasive enough to create an intimidating, hostile, or offensive work environment.

Examples of sexual harassment are:

1. physical assault;
2. subtle or overt pressure or direct requests for sexual favors;
3. inappropriate display of sexually suggestive objects or pictures; and
4. a pattern of unwelcome conduct of a sexual nature that would be offensive to a reasonable person, such as unnecessary touching, abusive or demeaning language or gestures (including remarks about another's clothing, body or body movements, or sexual activities), or teasing or joking.

No supervisor shall threaten or insinuate either explicitly or implicitly that any employees' submission to or rejection of sexual advances will in any way influence any personnel decision regarding that employee's employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development.

Supervisors must be mindful of their role and responsibility of supervising all employees fairly and equally. Dating relationships between supervisors and subordinates can compromise the exercise of supervisory functions. Therefore, dating between a supervisor (or someone in the supervisory chain of command) and a subordinate, whether that subordinate reports directly to the supervisor or merely receives work direction, is discouraged while the two employees work for the County. If a dating relationship should develop, it is the responsibility of the supervisor to report it to the County Administrator immediately in order that the subordinate/supervisory reporting relationship can be terminated.

An employee who believes that he or she is being sexually harrassed should (1) inform the

offending person(s) that the conduct is unwelcome and (2) should report the conduct immediately pursuant to section 3.4 of this policy.

3.4 VIOLATIONS

Complaints of discrimination or harassment should be brought to the attention of the County Administrator. If the County Administrator is the person who is accused of discriminating or harassing, complaints may be brought to the Assistant County Administrator. The report should be made in person; however, a report will also be accepted by phone or in writing.

Charges will be promptly and thoroughly investigated, and corrective action taken if the charge is founded. If it is determined that a violation has occurred, appropriate relief for the employee(s) bringing the complaint, and appropriate disciplinary action against the person(s) who violated the policy, will follow.

A non-employee who subjects an employee to harassment in the workplace will be informed of the County's policy and appropriate actions will be taken to protect the employee from future harassment.

In all cases, the County will make follow-up inquiries to ensure that the harassment has not resumed.

An employee accused of violating the Equal Employment Opportunity policy will be fully informed of the allegations and will be able to offer an explanation or defense to the charges prior to any report being prepared. If a violation should be found, the accused employee will be provided an opportunity to respond to the charges prior to the imposition of discipline. An employee violating this policy will be subject to disciplinary action, up to and including termination. The employee who brought the complaint will be provided information on the outcome of the investigation.

3.5 RETALIATION

Retaliation is illegal and contrary to the policy of the County. Employees who bring complaints of discrimination, or who identify potential violations, and witnesses interviewed during the investigation are protected from retaliatory acts. If an employee believes that he or she is being retaliated against, a report should be made to the County Administrator. Those who are found to be acting in a retaliatory manner will be disciplined for such conduct.

The County will make every effort to preserve the confidentiality of the matters investigated and of the individuals involved. It is the responsibility of all to assure that this commitment to confidentiality is honored. State and federal law require record keeping and may require disclosure in certain circumstances. Also, the name of the employee who made the charge may have to be revealed in order to properly investigate the matter; the employee who brought the complaint will be notified before his or her

name is released to the accused.

4. QUALIFICATIONS FOR EMPLOYMENT

4.1 EMPLOYMENT AND RECRUITMENT OF PERSONNEL

All positions will be recruited openly and competitively. The recruitment criteria shall be based on the requirements contained in the position description. Positions which need to be filled on an emergency basis will be recruited as openly as the situation permits. Temporary positions may, at the discretion of the County Administrator, be filled without an open recruitment.

4.2 OFFERS OF EMPLOYMENT

Offers of employment are made by the County Administrator and are not subject to approval by the Board of Supervisors.

4.3 INTERNAL APPLICANTS

County employees may apply for a vacant position once they have successfully completed their probationary period and, if qualified, may be placed in the position without open recruitment.

4.4 PHYSICAL STANDARDS AND MEDICAL EXAMINATIONS

Pre-employment drug screening may be required before an offer of employment is made. The County Administrator will maintain a list of positions for which a pre-employment screen is required.

4.5 EMPLOYMENT VERIFICATION

All applicants for employment must furnish references, evidence of their right to work, and must consent to background checks including, when appropriate, a criminal or credit background check, verification that licenses are held in good standing, and/or fingerprinting.

4.6 FORM OF APPLICATION

All applicants for employment must complete the County's application form prior to commencement of employment. All information on the application is subject to verification. Material misrepresentations on the application can result in a subsequent termination.

4.7 NEPOTISM

The employment of a member of the Board of Supervisors, or anyone in the immediate

family of a Board member or of the County Administrator, is prohibited. The County will not employ more than one member of an immediate family except in a temporary position or in unique circumstances, and only with the express written approval of the County Administrator. In no case may one family member serve in a supervisory capacity over another member of the immediate family. Sections 2.1-639.8 and 2.1-639.11 of the Code of Virginia (Virginia Conflicts of Interest Act) may apply to the employment of any other person who resides in the same household as the employee, and who is dependent on the employee as on whom the employee is dependent.

4.8 LICENSES

All operators of County motor vehicles must possess a valid Virginia driver's license and hold it in good standing. The County may conduct initial and thereafter periodic DMV records checks to verify that job requirement. Consent to such records' checks is a condition of employment. The failure to report that the license has been revoked, suspended, or conditioned can result in termination.

4.9 PROBATIONARY PERIOD

The probationary period is the period of time during which a recently hired, re-hired, or promoted employee can be discharged for any reason or no reason and without notice or without cause. Each new, rehired or promoted employee will be subject to a probationary period of six (6) months, or if the employee is in a part-time merit position until a minimum of 1,040 hours have been worked by the employee. This period is designed to permit the County Administrator and the immediate supervisor to evaluate the abilities of the employee to perform the duties of his/her job. Probationary employees do not have access to the grievance procedure.

When deemed necessary the County Administrator may extend the probationary period for an additional six (6) months. Successful completion of the probationary period does not entitle an employee to an increase in compensation.

4.10 RE-EMPLOYMENT

Following a separation of County employment for more than 180 consecutive days from the date of separation, an employee must serve a new probationary period and have a new anniversary date. Such date shall be the basis for computation of all merit or longevity increases or salary adjustments. Time earned in previous County employment shall not be counted toward the probationary period, annual leave, sick leave, or other longevity based employment conditions or benefits. Only time earned following reemployment shall be counted.

4.11 RESIGNATION

An employee may resign voluntarily by stating his/her reasons in writing to the County Administrator. Unless waived by the County Administrator, an employee must give two

weeks' notice. If advance notice is not given, the County may withhold payment for accumulated leave on the basis of one day of leave for each day less than the two-week requirement.

4.12 DUAL EMPLOYMENT

Prior to an employee accepting additional employment with another employer, or engaging in self-employment, the employee must have approval from the County Administrator. The County Administrator is responsible for determining whether the additional employment will have an adverse effect on the employee's performance, or if there is a potential conflict of interest. Approval shall not be withheld without a substantial showing of harm to employment with the County or of a conflict of interest. If an employee receives approval to accept additional employment, but job performance begins to deteriorate, the employee will be told to choose which job to continue.

If an employee accepts additional employment without receiving prior approval, the employee may be subject to disciplinary action.

5. CLASSIFICATION AND COMPENSATION

5.1 CLASSIFICATION

The County Administrator is responsible for developing a position description for every position. The position description will identify whether the position is exempt from the Fair Labor Standards Act (FLSA) overtime requirements.

5.2 SALARY RATES

A salary range is assigned for each position which consists of a minimum and maximum salary step. Each salary range consists of a selected number of pay steps; the number of steps may vary from position to position based upon prevailing salary ranges and the amount of time necessary for an employee to reach full proficiency. In arriving at salary ranges, consideration is given to prevailing rates for comparable work in the public and private sectors, the current cost of living, responsibilities of the position, and the County's financial condition.

5.3 COMPENSATION AND ADMINISTRATION OF THE PAY PLAN

All salary ranges and hourly rates shall be approved by the Board of Supervisors. Only the Board of Supervisors shall have authority to make changes in salary ranges or scales. Subject to the availability of funds, the Board of Supervisors may establish compensation increases based on merit and cost of living.

5.4 STARTING SALARY

New employees should be placed on the minimum pay step for the position unless circumstances support a different salary offer. Placement on the minimum step is based upon the assumption that a new employee meets the minimum qualifications stated in the class specification. Exceptions may be made in the following situations:

- (A) When a new employee's qualifications are less than the minimum and there is no other applicant who is fully qualified, the employee may be hired at one or two steps below the minimum rate of the class;
- (B) When a new employee exceeds the minimum qualifications, and will not accept the minimum pay step, the employee may be hired at a higher pay step; and
- (C) When market competitiveness require placement on a higher pay step.

5.5 SALARY INCREASES

A general increase in compensation may be granted by the Board of Supervisors at their discretion. A general increase is the granting of an increase in compensation to all classes of employees simultaneously unrelated to the specific performance of individual employees, often referred to as cost of living adjustments. If a general increase is granted, it usually is effective July 1.

5.6 PROMOTIONS

When an employee is promoted to a position in a higher classification, the salary shall be at the minimum step in that pay range. In the case of overlapping ranges, the promoted employee shall be increased to one step above the present salary. The County may delay finalizing the promotional salary increase for a period not to exceed 90 days, pending evidence of the ability of the employee to perform the job to which he or she was promoted.

5.7 PART-TIME EMPLOYMENT

The County may hire part-time employees on an hourly wage or salaried basis. When employment is on a salaried basis the rate paid shall be at a rate in relation to the percentage of time for which employed. Employees may also be paid at the hourly rate for each hour actually worked.

5.8 TRANSFER, DEMOTION, RECLASSIFICATION

The pay of an employee transferred to another position of the same pay grade shall remain unchanged. The pay of an employee demoted to a position of lower grade may be reduced to a step immediately below the present salary, unless such salary step is above the maximum for that class to which the employee is demoted. In this case, the

maximum step will be the appropriate step.

When an employee's position is reclassified to a higher or lower pay grade, the salary is adjusted to the step within the new grade that equals his/her salary before reclassification.

When an employee's position is reclassified to a lower pay grade and the present salary is above the maximum for the lower grade, the employee shall be permitted to continue at this present rate of pay during the period of incumbency (except in the event of general service-wide reductions) but is not entitled to a salary increase unless recommended by the County Administrator or in the instance of a general cost-of-living increase for the whole pay plan.

A reinstated or re-employed employee is paid at the salary rate within the approved salary range for the position in which he is reinstated. Reinstated employees not absent for longer than one year are eligible to return at the step equal to that at which they were previously paid. Employees on personal leaves of absence are returned to employment at the step equal to that at which they were previously paid.

5.9 DEDUCTIONS

The County is required by law to make deductions from an employee's gross pay to cover federal and state income taxes. Contributions for benefit programs such as family coverage under the health plan may also be deducted. The County may also make payroll deductions with the written consent of the employee for voluntary wage deductions as may be approved by the Board of Supervisors. With the written authorization of the employee, the County may also deduct money owed to the County for such expenses as travel advanced or damage to County property.

5.10 DEDUCTIONS ON TERMINATION

Upon termination of employment, the County, with the written authorization of the employee, shall deduct from the final pay check of any employee any amount owed the County in payment for unearned leave, group insurance, equipment not returned, and paid training received in the prior six (6) months, or any other indebtedness to the County. The final paycheck in its full amount shall not be issued until the extent of any indebtedness to the County has been determined and cleared. When this occurs, the employee will receive a paycheck based on the prevailing minimum wage and the remainder of the pay will be disbursed when the indebtedness is determined and deducted from the amount still owed.

6. LEAVE

6.1 GENERAL LEAVE

(A) Accrual

1. Full-time Employees

Each full-time employee is entitled to general leave for each completed calendar month of service according to years of service as follows:

<u>Years of Service</u>	<u>Number of Days Earned Each Month</u>	<u>Max Number of Days Accumulated</u>
0-5 years inclusive	1.5	90
6-15 years inclusive	2.0	100
16 or more	2.5	110

2. Part-Time and temporary employees do not accrue general leave

3. Employees who had an interruption in service will have their prior years counted in computing the number of days earned each month.

(B) Use

It is intended that general leave should be used in the year it is earned since its purpose is to contribute to the mental and physical fitness of the employee. Therefore, an employee is required to use at least 10 days per year after the first year of employment. Except for (1) illness of the employee or (2) death of an immediate family member, no accrued leave may be used until the employee has worked a minimum of ninety (90) days. For the death of a family member during the employee's first ninety (90) days, an employee may only use three (3) days of leave.

General leave may be used for vacations, personal use, illness, death of a family member or any other purpose desired by the employee except for illnesses or emergencies and contingent upon working conditions, general leave may be taken by a non-probationary employee in the amount and time desired by the employee upon the approval of the department head or supervisor. Wishes of employees will be given consideration in the use of general leave. When a holiday falls within a period of general leave, such holiday shall not be counted in computing the leave period.

(C) Payment at Termination

Employees shall be compensated for their accumulated general leave when employment is terminated up to a maximum of thirty (30) days. If death is the cause of termination, the employee's estate or designated beneficiary shall be entitled to payment for the unused balance of annual leave up to the maximum amount. Payment will be by check at the end of the first pay period following termination, and from the pay owed required deductions will be made.

6.2 EDUCATIONAL LEAVE

With the approval of the County Administrator, an employee may be given a leave of absence, without pay, for a maximum period of one year in order to receive training that would benefit him in the performance of his County duties. Full or partial pay may also be granted for a limited period when approved by the Board of Supervisors. The County Administrator may require the employee to enter into an agreement to return to his position with the County for a period of time following the educational leave.

6.3 CIVIL LEAVE

An employee is granted civil leave with full pay for the actual time serving on a jury, attending court or an administrative proceeding as a witness under subpoena, participating in a grievance involving a County employee, as well as reasonable travel time associated with such service. If such service requires less than five hours, an employee is expected to work the remaining hours in the workday.

An employee receiving compensation for these civic duties in an amount over that awarded for expenses shall turn the payment received over to the County or on the pay day immediately following receipt of such payment receive a payroll check in the amount of the difference between such compensation and the regular salary for the period of absence. If the employee has charged used earned annual leave or compensatory leave reimbursement will not be required.

6.4 MILITARY LEAVE

An employee who is absent for duty with any of the armed services of the United States or under orders from the Governor pursuant to §§ 44-75.1 or 44-78.1 of the *Code of Virginia* may be granted a leave of absence for the period of service without loss of seniority, accrued leave, or efficiency rating provided that such absence is not unreasonable or does not create an undue hardship for the County. During the first fifteen days of military leave in any federal fiscal year, the County will supplement the military pay of the employee to in order that the employee will not suffer any loss in pay. When the employee is relieved of such duty, provided that it does not exceed fifteen (15) workdays, the employee will be restored to the position formerly held when ordered to duty provided that the job restoration does not create an undue hardship.

6.5 FAMILY AND MEDICAL LEAVE

County employees are entitled to participate in the benefits of the Family and Medical Leave Act ("FMLA"). FMLA is unpaid leave; however, the County will require an employee to use accrued paid leave on an hour-for-hour basis in conjunction with FMLA leave.

(A) Eligible Employees

To be covered under the FMLA, an employee must have worked for the County for twelve (12) months and must have worked at least 1,250 hours within the twelve (12) months preceding the start of the leave. Part-time and temporary employees who meet these requirements are eligible for FMLA leave.

Key employees who have been notified at the time that the request for leave is made that they are key employees are eligible for FMLA leave; however, they are not entitled to have their position held open for them. (See Job Restoration)

(B) Purposes for Which FMLA Leave May Be Taken

FMLA leave may be used:

1. to care for an employee's child after birth, or for the placement with an employee of a child for adoption or foster care (provided that the leave is requested and used within twelve (12) months of the birth, placement, adoption, or foster care);
2. to care for an employee's spouse, child, or parent (does not include in-laws) who has a serious health condition; or
3. to care for the employee when the employee is unable to work because of a serious health condition.

A serious health condition is an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or an incapacity lasting more than three consecutive days and involving continuing treatment by a health care provider. Continuing treatment involves two or more treatments (or one treatment when the condition is such that continuing follow-up is or will be required) by a healthcare provider, pregnancy, prenatal care, or other chronic or long-term serious health conditions.

To qualify for leave due to the serious health condition of:

1. a family member – the family member must be incapable of self-care; or
2. the employee – the employee must be unable to work at all or unable to perform any of the essential functions of the employee's position.

Employees are required to obtain a health care provider certification for all absences for which FMLA benefits are being requested. A chronic or long-term health condition or pregnancy does not require a visit to the health care provider for each absence; however, a statement by the health care provider that the absence was due to the chronic condition or pregnancy may be requested by the County at its discretion.

(C) FMLA Benefits

1. Leave

An eligible employee is entitled to use twelve (12) weeks of unpaid leave during a twelve-month period. The twelve-month period begins on January 1 and terminates on December 31 of each year. Employees will be required to use accumulated paid leave (sick, vacation, compensatory, annual, etc.) on an hour-for-hour basis concurrently with the FMLA leave. If FMLA leave is exhausted before the end of the twelve-month period, the employee will not be entitled to further FMLA leave.

An employee is required to request FMLA leave in writing at least thirty (30) days before the leave is to start if the need for the leave is foreseeable. In circumstances when the leave is not foreseeable thirty days in advance, an employee must request the leave as soon as practicable. The County may designate leave as FMLA leave without a request from an employee.

FMLA leave taken for a serious health condition of the employee or family member may be taken intermittently or on a reduced hours basis. Certification from a health care provider for the need for intermittent or reduced hours will be required when the leave is not for the serious health condition of the employee.

FMLA leave taken for birth, adoption, placement, or foster care cannot be taken intermittently unless approved in advance. If both spouses work for the County, the total FMLA leave that may be taken for this event by both employees is twelve weeks, pro-rated between as the spouses choose. FMLA leave taken for the birth, adoption, placement, or foster care of a child must be taken within the twelve months following the event.

Should the County obtain information that the employee was not FMLA eligible or the event did not qualify under FMLA, the designation of FMLA leave previously given may be withdrawn.

2. Job Restoration

Upon return from FMLA leave, an employee is entitled to be restored to the same position that was held before the start of the FMLA leave, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. Key employees are entitled to FMLA leave but are not entitled to job restoration if re-employment after the conclusion of the leave will cause a substantial and grievous economic injury to the County.

A key employee is a salaried employee who is among the highest paid ten percent of the County's workforce. A key employee will be notified in writing of his or her status in response to the employee's notice of intent to take FMLA leave, unless circumstances do not permit such notice. If a key employee is already on FMLA leave when he/she receives notice that he/she is a key employee, the employee will be given a reasonable time to return to work before losing the right to job restoration.

3. Health Benefits

If paid leave is used for FMLA purposes, an employee will maintain the same benefits as if working. If the employee is on unpaid leave, continuation in the health care plan is permitted, provided that the employee continues to pay for his share of the premiums. If the employee fails to make his premium payments, the employee will be provided written notice of this failure and will be given an additional fifteen (15) days to make payment in full. If payment is not made after this notice, health benefit coverage will cease.

If an employee does not return to work after the conclusion of the FMLA leave, the employee is responsible for reimbursing the County for the County's share of the health care premiums paid.

4. Health Care Provider Certifications

The County may require the employee or the employee's family member to obtain certification from a second health care provider, and if the first and second certifications do not agree, the County may require a certification from a third health care provider. The County will pay for second and third health care provider certifications.

Health care provider certifications should include at least the following information:

- (a) the date on which the serious health care condition commenced;
- (b) the anticipated duration of the serious health care condition and the continuing nature of the condition;
- (c) the medical facts establishing that the condition is a serious health care condition;
- (d) the family member is unable to provide self-care and the employee is required to care for the family member or in the case of an employee requesting leave for his or her own care, the employee is unable to work at all or unable to perform any of the essential functions of the job; and
- (e) the medical reasons for the use of intermittent leave and its expected duration and frequency.

A health care provider may be a doctor of medicine or osteopathy, podiatrist, dentist, clinical psychologist, optometrist, chiropractor, nurse practitioners, nurse mid-wives, clinical social workers, Christian Science practitioner, or any other health care provider recognized by the County's health plan(s).

5. An employee who has used all of his accumulated General Leave and is absent for an extended period because of illness or accident may be continued on the payroll at half pay for a maximum period of six weeks when approved by the Board of Supervisors. In determining whether to grant this discretionary leave, consideration will be given to the length of service, the quality of service, and the leave record of the employee.

6.6 LEAVE WITHOUT PAY

When all balances of applicable leave with pay have been used, a leave of absence without pay may be granted for no more than two (2) calendar months with the approval of the County Administrator. When extraordinary circumstances exist, the County Administrator may grant a further period of leave without pay. An employee may also be administratively placed on leave without pay status for time lost for tardiness, absenteeism and other unauthorized time away from duties.

At the discretion of the County Administrator, an employee who is on leave without pay may continue to be covered by the County's several insurance policies provided, however, the employee will be responsible for the payment of all premium costs in a timely manner. Employees on unpaid FMLA will have their health insurance premiums paid by the County.

Leave of absence without pay may be granted for:

1. educational leave in excess of such leave allowable;
2. military leave in excess of such leave allowable; and
3. personal illness which exceeds the amount of accrued leave.

6.7 WORKERS' COMPENSATION

The Virginia Workers' Compensation Act provides benefits for an employee in the event of compensable occupational illnesses, injuries, or deaths. Any job related accident, no matter how insignificant, must be reported to the supervisor as soon as possible.

The supervisor shall be responsible for obtaining from the employee, his/her co-workers, and/or his/her attending physician the cause(s) and effect(s) of the injury or illness and report, in a manner prescribed by the County Administrator, the following information:

1. Employee's name and classification;
2. Nature of injury;
3. Date and time of injury;
4. Cause of injury;
5. Place where injury occurred;
6. Nature of any medical services required; and
7. Any known or projected time lost from work as a result of injury.

Such report shall be completed and submitted to the County Administrator by close of business that day.

The County has selected a panel of physicians to whom employees must go for all work-related injuries. Supervisors are to inform employees of the physicians included in the panel. In the event an injury requires immediate medical attention, the employee may go directly to the nearest hospital emergency room; follow-up care must be with the

panel of physicians.

If an employee must be on leave because of a compensable Workers Compensation injury or illness, the leave will be provided without charge against the employee's leave balance.

6.8 UNAUTHORIZED LEAVE

An employee who is absent from work for any part of a day without approval of his supervisor shall receive no pay for the duration of the absence and may be subject to disciplinary action. It is recognized that there may be extenuating circumstances for unauthorized absence and due consideration shall be given to each case.

7. HOURS OF WORK AND OVERTIME

7.1 NORMAL HOURS OF WORK

The County offices are open for public business from 8:00 a.m. to 4:30 p.m., Monday through Friday. Unless established otherwise, all offices are to be fully manned during these hours. Employees are expected to work required hours and are paid a salary for forty (40) hours per week. The length of time allowed for lunch shall reflect the requirements of each office or function in the County but in no instance shall it be less than thirty (30) minutes.

Employees are not to deviate from scheduled work hours without the prior authorization of their supervisor. General or blanket authorization which provides unlimited work options to an employee is not valid.

7.2 HOLIDAYS

(A) The following holidays will be observed each year:

New Year's Day	January 1
Lee-Jackson Day	Friday preceding King Day
King Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veteran's Day	November 11
Thanksgiving	Fourth Thursday and Friday in November
Christmas	December 25

If a holiday falls on a Saturday, the preceding Friday shall be observed in lieu

thereof. If a holiday falls on Sunday, the following Monday shall be observed in lieu thereof. Holidays falling during a period of vacation or sick leave will not be charged against either category.

(B) Other Holidays

Employees may be entitled to other days designated as holidays by special proclamation of the Board of Supervisors or the Governor.

(C) Required Work on a Holiday

When a full-time employee is required to work on one of the designated holidays, the employee shall earn special duty leave. (See Section 7.3.) Part-time hourly employees required to work on a holiday will be paid their regular day's pay on those holidays worked. The County will seek to develop an equitable process to rotate duty assignments among essential employees to cover holiday work schedules.

7.3 SPECIAL DUTY LEAVE

Except as noted below, special duty leave is authorized absence hour-for-hour with full pay for hours worked on a holiday or on a rest day. Employees exempt under the Fair Labor Standards Act may also receive special duty leave for hours worked beyond those regularly scheduled in a work week when the work was authorized by the County Administrator.

Special duty leave may be used for the same purposes as annual and sick leave and shall be taken at a time approved by the employee's supervisor or the County Administrator. Special duty leave credits lapse at the end of the calendar year. Special duty leave and weekend leave earned in one year may be taken prior to the close of the first pay period in the next year only upon the authorization of the County Administrator. Accrued special duty leave is forfeited at termination.

7.4 COMPENSATORY TIME

The County provides compensatory time in lieu of cash overtime for employees covered under the Fair Labor Standards Act. Accordingly, wage employees and non-exempt salaried employees who actually work over forty (40) hours in a work week will receive compensatory time at a rate of 1.5 hours for each hour, or part thereof, worked in excess of 40 hours.

Once an employee has accumulated 240 hours of compensatory time, the employee will be paid cash for the hours worked over forty (40) in subsequent workweeks. Salaried employees, whose regular workweeks are longer than 40 hours, will receive overtime consistent with the Fair Labor Standards Act. The County may, at its sole discretion, pay cash overtime rather than compensatory time at any time, from time to time. An

employee will be compensated for all unused compensatory time upon termination.

The County desires to have earned compensatory time used in as close proximity as possible to the date it was earned. Employees are encouraged, therefore, to request the use of this time from their supervisor during the following week if possible. Supervisors should be flexible in granting this time off.

7.5 TIME SHEETS

Every employee is required to complete time sheets for hours actually worked with breaks and lunchtime noted. The accuracy of the time sheets is the responsibility of each employee. The County will provide forms to be used for time keeping.

8. EMPLOYEE BENEFITS

8.1 GROUP LIFE INSURANCE

The County provides a life insurance plan that may be amended by the Board of Supervisors when deemed appropriate. The life insurance will be available to all employees who qualify to participate.

8.2 GROUP HOSPITALIZATION AND SURGICAL INSURANCE

The County provides health plan benefits to qualified employees. Such plan may be amended by the Board of Supervisors when deemed appropriate. The pro-rata contribution rates of the County and the employees, if any, shall be established annually.

8.3 RETIREMENT PROVISIONS

The retirement plan for the County is the Virginia Retirement System (VRS). Payment will be made into the VRS for each full-time employee by the Board of Supervisors at no cost to the employee.

8.4 SOCIAL SECURITY

The County, as required by law, will withhold contributions for Social Security and Medicare.

8.5 UNEMPLOYMENT INSURANCE

All full and part-time employees who work the statutorily established minimum number of hours are provided unemployment insurance through the Virginia Unemployment Compensation Act. This benefit is provided at no expense to the employee. An employee may not qualify for benefits under this program if he resigns or is terminated for cause.

9. LAYOFF

In the event of a reduction in workforce, the County Administrator shall be responsible for identifying the designated work sites and the job classifications that may be affected by a layoff. The County Administrator shall also be responsible for identifying the number of positions to be abolished, and the number of employees within the respective classifications to be laid off. When selecting the individuals to be laid off, the following order will be applied:

- (1) Temporary employees; thereafter
- (2) Probationary employees; thereafter
- (3) Part-time employees; thereafter
- (4) Full-time employees.

In selecting among two employees in the same status, performance and seniority will be considered; however, performance will have preference over seniority.

Employees who are laid off may contact the nearest office of the Virginia Employment Commission to initiate the process to receive benefits under the Virginia Unemployment Compensation Act.

10. EMPLOYEE PERFORMANCE EVALUATION

10.1 EVALUATION

Part-time and full-time employees will be evaluated on their performance at least annually or more often if deemed necessary by the County Administrator or the immediate supervisor. Evaluations are done by the immediate supervisor and reviewed by the appropriate department head.

The purpose of the performance evaluation is to inform employees of how well they are doing and how they can improve their performance. The score received on the performance evaluation will be factored into all personnel decisions including, but not limited to, compensation, promotion, transfer, layoff, and training. Employees who fail to meet performance expectations are subject to dismissal, demotion, transfer, or reduction in salary.

10.2 REVIEW WITH EMPLOYEE

The employee shall have the opportunity to review the completed evaluation and to note his/her comments. If approved by the Board of Supervisors, employees may be eligible for merit pay increases on their anniversary date. The merit rating is determined by the employees' supervisor based on a performance evaluation system. The goal of the evaluation system is to evaluate the performance of employees in the accomplishment of their assigned duties and responsibilities. The following is a list of the performance evaluation criteria:

- (A) Exercising professional, technical, and clerical skills to the greatest degree of skill and independence;
- (B) Quality of work produced;
- (C) Quantity of work produced;
- (D) Organization and planning of work;
- (E) Accepting responsibility, initiating action, problem solving;
- (F) Adapting to new and different situations and showing creativity on the job;
- (G) Following policies and procedures;
- (H) Responding to the need for extra effort;
- (I) Relationship with associates and clients;
- (J) Team efforts;
- (K) Quality of judgment;
- (L) Communication; and
- (M) Leadership/supervisory abilities.

Each employee will be rated on each of the above evaluation criterion. The resulting performance levels are:

Outstanding
Above Satisfactory
Satisfactory
Conditional
Unsatisfactory

After the rating for each criterion is determined, an overall performance level can be determined.

Employees receiving satisfactory or higher ratings would generally be expected to be granted merit increases, budgetary conditions permitting. The amount of the merit increase would be determined on the overall rating.

Employees receiving unsatisfactory or conditional ratings will not be eligible for salary increases and shall be reviewed in three (3) months and again in six (6) months.

An employee who receives a rating of "unsatisfactory" on any two performance evaluation criteria or a rating of "conditional" or lower on any four performance criteria

on the reevaluation shall be considered to have provided overall "unsatisfactory" performance and will be terminated unless mitigating circumstances exist.

The Supervisor/Department Head responsible for conducting the merit evaluation, must submit the evaluation to the County Administrator for review before any salary change can be implemented. The performance evaluation signed by both the employee and the Department Head and the Personnel Action Sheet requesting the salary increase must be submitted to the County Administrator with the payroll in which the change is to be implemented.

11. TRAVEL

11.1 TRAVEL REGULATIONS

All travel expenses incurred by an employee while performing required or authorized services shall be borne by the County subject to guidelines as may be established from time to time by the Board of Supervisors or County Administrator. Employees shall be reimbursed for actual expenses incurred only if such expenses have been specifically authorized or if the position requires incurring such an expense in the routine execution of duties.

The following rules govern travel allowances for employees while traveling on official business for the County.

(A) Trip Authorization

All trips, other than those of a routine nature, must be authorized prior to the trip.

(B) Expense Reimbursement

An itemization and verification of all expenses incurred while traveling on County business shall be prepared by the employee and submitted for approval prior to reimbursement.

(C) Mode of Transportation

Employees shall select the mode of transportation which is least expensive in accordance with both the time and distance involved. If there is doubt as to which choice of transportation to take, prior authorization of the desired mode should be obtained. Failure to obtain this authorization may result in the employee bearing the financial responsibility for the transportation.

1. Common Carrier: a receipted statement or bill for travel on a common carrier shall be required to verify the reimbursement request. Only actual costs will be eligible for reimbursement.

2. County Vehicles: when available, County vehicles are to be used for official business. No individual who is not on county business may be transported in a County vehicle.
3. Privately Owned Vehicles: when County vehicles are unavailable, the employee using a privately owned vehicle will be reimbursed at a mileage rate established by the Appomattox Board of Supervisors.

(D) Meals and Lodging

All employees traveling overnight on County business will be reimbursed for lodging in an amount equal to the actual hotel bill and for meals. Government rates must be requested for all lodging. Lower and moderate priced lodging and meals should be sought. Full reimbursement will be denied if the incurred expenses are excessive. Receipts will be required to show actual expenses incurred. There will be no reimbursement for alcoholic beverages consumed or purchased.

(E) Travel Advances

Advances may be given for anticipated travel expenses only with the approval of the County Administrator and when it is determined that the required expenses would cause undue burden on the employee. An employee seeking a travel advance is required to sign a consent form allowing the County to recover the excess of expenses over the advance from the employee's paycheck.

(F) Conferences and Educational Courses

Employees are encouraged to take advantage of educational courses offered at state institutions of higher education or through professional associations. With advanced approval of the County Administrator, an employee may be reimbursed for the cost of such instruction if (1) the course is directly related to the needs of the County and (2) the employee completes the course successfully (receives a grade of "C" or higher or has other evidence of successful completion). If an employee intends to attend a conference out of the County and wants to be reimbursed for such expenses, the request must be made to the Department Head at least two weeks in advance. The employee will be notified as soon as possible if the request is approved.

12. DRUG AND ALCOHOL USE

12.1 GENERAL OVERVIEW

The unlawful manufacture distribution, dispensing, possession or use of an illegal drug or alcohol is prohibited in any County workplace. Employees of the County shall not be involved with activities involving the unlawful application, possession, market, or transfer of drugs in any manner.

12.2 DISCIPLINE FOR ALCOHOL OR ILLEGAL DRUG USE

The following conduct will be subject to disciplinary action including termination. All illegal substances found on County property will be turned over to the proper law enforcement agency.

- (A) The use, marketing, or personal possession of illegal drugs while on the job or while engaged in County business, during rest periods, meal periods, or on County property;
- (B) Consumption or personal possession of alcohol on County property;
- (C) Reporting to work under the influence of alcohol and/or illegal drugs; and
- (D) Conviction for the sale, distribution, possession, use or manufacture of illegal drugs or alcohol.

12.3 DRUG AND ALCOHOL SCREENING

The County reserves the right to test applicants and employees for the use of illegal drugs or alcohol under the following situations:

- (A) Applicants for safety sensitive positions prior to hiring;
- (B) On a random basis for employees who occupy safety-sensitive positions. The County Administrator will maintain a list of the safety sensitive positions;
- (C) On an individualized basis when the County has a reasonable suspicion that an employee is using illegal drugs, or is under the influence of alcohol or controlled substances; and
- (D) On returning to work after a serious on-duty or off-duty accident that involved the use of alcohol or illegal drugs, or after the employee has tested positive for illegal drugs or alcohol use while on duty.

Drug and alcohol testing may require a blood test, urinalysis, Breathalyzer, or other drug/alcohol screen.

12.4 REFUSAL TO SUBMIT TO TEST

Employees who refuse to be tested will be subjected to disciplinary action, including termination.

12.5 CONSEQUENCE OF POSITIVE DRUG OR ALCOHOL TEST

When a drug or alcohol test is positive, or when employee engages in the prohibited conduct in Section 15.5, the employee may be disciplined for such conduct. The discipline may be a suspension or termination depending upon the circumstances. In lieu of termination for a first positive test, and with the concurrence of the County Administrator, an employee may be placed on leave without pay if the employee elects to participate in a accredited or otherwise recognized rehabilitation program at the employee's expense. Upon the satisfactory completion of the rehabilitation program, the employee will be permitted to return to work under the following conditions(1) the employee presents adequate documentation that the rehabilitation program was successfully completed; (2) the employee consents to having the documentation verified through consultation with the rehabilitation program; (3) the employee submits to a drug or alcohol test; and (4) the employee consents to subsequent testing on a random basis for a period of one (1) year.

Employees who are aware of their substance abuse problems and voluntarily seek treatment in a rehabilitation program, may be granted a leave of absence for participation in such a program provided that the following conditions are met: (1) the employee presents adequate documentation that the rehabilitation program was successfully completed; (2) the employee consents to having the documentation verified through consultation with the rehabilitation program; (3) the employee submits to a drug or alcohol test; and (4) the employee consents to subsequent testing on a random basis for a period of one (1) year.

12.6 REPORTING REQUIREMENTS

Employees must notify the County Administrator in writing of a conviction for a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction. The County shall inform any federal contracting or granting agency from which the County has received a grant or award of financial assistance within ten (10) calendar days after receiving actual notice that an employee covered under the federal Drug-free Workplace Act ("Act"), has been convicted of a criminal drug law violation occurring in the workplace.

13. OCCUPATIONAL SAFETY AND HEALTH

13.1 PURPOSE AND POLICY

The County attempts to provide a safe and healthy working environment for all employees by providing the necessary education and training. Employees shall follow all

prescribed safety rules and procedures when performing their daily activities and shall further exercise all reasonable and prudent judgement to ensure safety.

13.2 RESPONSIBILITY

The County Administrator and all employees who exercise supervisory authority have the responsibility of ensuring that the various work areas are free from any recognized hazards which might lead to death or injury. Further, it is the responsibility of each employee to perform all work in a safe manner.

13.3 SAFETY POLICY

(A) Occupational Safety and Health Policy Statement

The Occupational Safety and Health Act of 1970 and the Virginia Occupational Safety and Health Act require employers to provide a safe place to work, a place free from hazards that might cause injury, disability, or even death.

It is the policy of Appomattox County that every employee be entitled to work under the safest conditions possible. To this end, every reasonable effort will be made to promote accident prevention for protection and health preservation.

Appomattox County, through its appointed managers, will endeavor to maintain a safe and healthful work place. The County will provide safe working equipment, necessary personal protection and, in the case of injury, first aid and medical services.

Due to the large number of activities in progress at one time and the varied nature of the work, the County must "formalize" its safety program, utilizing written reports and records, to achieve the maximum use and effectiveness of loss control information.

The County Administrator will head the County's Occupational Safety and Health Program and will communicate pertinent information to all departments.

(B) Accident Reporting Procedures

1. Occupational Accidents

Occupational accidents are any unattended or unexpected work-related occurrence resulting in:

- (a) personal injury or illness; and/or
- (b) damage of property, equipment or vehicles, excluding normal wear and breakage inherent in property operations of such equipment or

vehicle.

2. Occupational Injury

Occupational injury is any injury such as a cut, fracture, sprain, amputation, etc., which results from a work-related accident or exposure involving a single accident in the work environment (includes conditions resulting from animal bites, from one-time exposures to chemicals, etc.).

3. Occupational Illness

Occupational illness is any abnormal condition or disorder, other than one resulting from an occupational injury, caused by exposure to environmental factors associated with employment (this definition includes both acute and chronic disorders).

4. General

Accident reporting and record keeping is an integral part of prevention and control. The County will maintain documentation of damages and injury.

5. Responsibilities

(a) Employees

The employee should report all accidents and illnesses (including vehicle accidents) to their immediate supervisor as soon as possible. The employee may be asked to fill out reports for the supervisor's signature.

In addition, the employee shall report all work-related vehicle accidents to the police department as soon as possible.

The driver of a county-owned vehicle involved in an accident shall not move the vehicle from the point of impact until an investigating officer arrives.

(b) Supervisor

Upon learning of an occupational injury or illness, the supervisor should ensure that a completed "Employer's Accident Report" form is submitted to the County Administrator within 24 hours after the accident. The supervisor must sign the form at the bottom of the page. The County Administrator or the County's workers' compensation insurance carrier, if appropriate, will forward the

report to the Workers' Compensation Commission.

Upon learning of a work-related, non-injury accident involving property, equipment, or vehicle, the supervisor should ensure that a signed accident investigation report is submitted to the County Administrator within 72 hours of the accident.

6. Accident Investigation Procedure

Accident investigation is the best method for preventing recurrence of accidents. An accident investigation will be performed by the first line supervisor of any employee injured while working or responsible for the damage of personal or County property.

When notified of a work-related injury, the County Administrator will initiate a "Supervisor's Accident Report" and forward it to the supervisor of the injured employee. The supervisor will conduct the initial investigation and report promptly to the County Administrator.

13.4 ADHERENCE TO SAFETY RULES

Employees are directed to utilize all applicable safety procedures and to perform all work in a safe manner. Employees are responsible for bringing to their supervisor's attention any potential hazards that might exist within their workstation. Department heads are responsible for developing and maintaining work safety rules and for providing these rules in writing to their subordinates.

Specifically, employees shall:

- (A) report all injuries, regardless of severity, to your supervisor immediately. If the supervisor is not available, the injury must be reported to the County Administrator before medical treatment is sought;
- (B) report and, if possible, correct all unsafe conditions or acts;
- (C) avoid horseplay and mischief which could cause injury;
- (D) take all standard safety precautions to prevent injury to yourself or fellow employees; and
- (E) follow all special or departmental safety rules.

14. MISCELLANEOUS

14.1 GIFTS AND GRATUITIES

An employee shall not accept gifts, gratuities or personal loans from organizations, business concerns, or individuals with whom he/she has official relationships related to the business of the County. These limitations are not intended to prohibit the acceptance of articles of negligible value which are distributed to classes of people, nor to prohibit employees from obtaining loans from regular lending institutions. Any gifts, gratuities, meals, or items of value over \$25 that are accepted by an employee must be reported to the County Administrator within the week.

14.2 PERSONAL MAIL

Employees should request that personal mail be sent to them at their home address.

14.3 COUNTY VEHICLES

Each employee who operates a County vehicle must do so in a safe manner and must conform to all traffic regulations applicable to the general public. If an employee receives a moving vehicle violation while in a County vehicle, such violation or accident shall be reported immediately.

14.4 PERSONAL USE OF COUNTY PROPERTY

County equipment is not provided for personal use in any manner not related to the performance of the job except under circumstances approved by the County Administrator. The telephones, computers, and other equipment are for the transaction of County business and personal use is not permitted. Personal telephone calls should be kept to a minimum and callers should be instructed to call at home.

14.5 MONITORING AND INSPECTION OF COUNTY EQUIPMENT

The County may from time to time monitor messages sent, received, and stored on the County's electronic, digital, and wire equipment. Prior to using such equipment employees will be required to consent to such monitoring.

Desks, lockers, file cabinets, closets, vehicles and other County property are subject to inspection by the County. An employee should not have any expectation of privacy when using County equipment or property.

14.6 CONFLICT OF INTEREST

Employees are expected to discharge their duties conscientiously and to conduct themselves in a manner which will reflect favorably upon the County both on and off the job. Each employee shall refrain from any use of his/her official position for private

gain. The Virginia Comprehensive Conflict of Interests Act applies to all employees (a copy can be obtained from the County Administrator).

No employee with purchasing authority is permitted to purchase or bid on County equipment, property, or facilities that are offered for sale by the County.

14.7 MEDIA STATEMENTS

No press conferences, statements, releases, interviews, or other official communications shall be made or granted by any employee pertaining to the business of the County without the prior knowledge and approval of the County Administrator. The County Administrator is the media contact for the County.

14.8 CHANGE OF ADDRESS

All employees are required to notify their supervisor or department head of any change in their name, address or telephone number within three (3) working days of such changes. Employees are also required to report changes in the name, address and phone number of their emergency contact.

14.9 ATTENDANCE

Reporting to work on time and being ready to commence work upon arrival is an essential requirement of County employment. Tardiness, excessive absenteeism, leaving work early, extended breaks and lunch periods, and other unauthorized absences from assigned duties will result in disciplinary action and/or being placed on leave without pay.

14.10 INCLEMENT WEATHER

Unless the Governor closes the roads or declares an emergency within the area surrounding the County, employees are expected to report to work no matter what the weather conditions may be. The County Administrator has the authority to close County offices when weather conditions warrant. Each County department shall establish procedures for reporting late arrivals due to weather conditions. Only in exceptional circumstances will late arrivals be excused.

If an employee anticipates being late due to hazardous road conditions, the employee should notify his supervisor as soon as the delay becomes known. If road conditions are such that an employee is prevented from reporting to work due to severe hazardous conditions, the employee's absence will be charged to annual leave or leave without pay as determined by the County Administrator at his sole discretion.

14.11 SMOKING

Smoking in County offices and in County vehicles is prohibited.

14.12 POLITICAL ACTIVITY

It is the policy of the County that belonging to a political party is a personal choice and is a right that should be protected. Therefore, employees, other than those who are otherwise restricted under federal law, have the right to join and be active in the political party of their choice. However, no solicitation, recruitment, or imposition of political views on other employees or the electorate at large shall occur during work time. Any activity or action that is political in nature shall occur after work hours and in such a way as not to have an impact on the County.

- (A) An employee is free to express his views or support for any candidate for office at any time except during working hours or when officially representing the County.
- (B) An employee shall not use the prestige or position of the County for any political party or organization.
- (C) An employee shall not use the prestige or position with the County to gain any favor, position, or status with any political organization, party or candidate.

14.13. COMMUNITY ACTIVITIES

Employees are encouraged to participate, as appropriate, in community service affairs of a charitable, religious, fraternal, or civic nature. If such activities occasionally require time away during the normal workday, the employee may request to have his or her schedule adjusted to accommodate such participation. However, such participation must not adversely affect the performance of assigned duties, or place the employee in a position of having conflicting interests.

14.14 GROOMING

Employees are expected to maintain a professional standard of dress and appearance. Therefore, employees shall:

- (A) Dress neatly and in a business-like attire;
- (B) Avoid extremes in clothing, makeup, hair fashions, and use of jewelry;
- (C) Present a clean-cut appearance;
- (D) Provide privacy by talking in soft tones during discussions with a customer or fellow employee, whether in person or on the telephone; and
- (E) Aspire to be cheerful, helpful, and courteous to customers and fellow employees.

15. DISCIPLINE

Employees may be disciplined for failure to follow the rules or for failure to perform satisfactorily. Although employees are generally warned when a first infraction occurs, such warning is not required. Serious misconduct or performance errors can lead to an immediate suspension, demotion, or termination.

15.1 SUSPENSIONS

Suspensions are temporary separations from service for disciplinary purposes where the infraction is not sufficiently grave to merit dismissal. An employee may be suspended without pay for a period not to exceed thirty (30) days. An employee who holds an exempt position under the FLSA will be suspended for no less than one (1) work week per incident unless the employee elects to use accrued leave for part of the work week. All suspensions must be approved by the County Administrator.

15.2 DEMOTIONS

A demotion in pay or position may occur when a dismissal does not appear warranted in the judgment of the County Administrator.

15.3 DISMISSALS

Dismissals are for misconduct that is deemed of such a serious nature that continued employment is not appropriate or for unsatisfactory performance.

15.4 STANDARDS OF CONDUCT

It is the policy of the County that all public officials and all employees should remain free and impartial in all their official actions and responsibilities in order that the highest and best level of service can be provided. The proper operation of a government entrusted with the responsibilities to provide equitable and quality services dictate that government decisions, policy determinations, and implementation strategies occur in a free and open setting. All services of the County will be provided in a non-discriminatory manner and race, color, religion, gender, disability, age, and national origin shall not preclude an individual from being considered for such services unless such a factor is a legitimate and bona fide criteria.

In order to properly govern the County and to deliver the levels of service desired by the Board of Supervisors and required by law, it is expected that policy will be made within the framework established and carried out by the organization. Public office is not to be used for personal gain and at all times employees are to be cognizant of the need to maintain public confidence in the integrity of its government.

In recognition of the County's above-stated goals, the following Code of Conduct is established.

- (A) County employees are agents of public purpose and are entrusted by virtue of their employment to strive for the "good of the public" at all times.
- (B) Employees are expected to maintain high standards of ethics at all times and to discharge all duties in a faithful manner recognizing that the public's interest and concern is primary.
- (C) Employees are bound to uphold the laws and constitutions of the Commonwealth and the United States and to perform all duties in a faithful and impartial manner.
- (D) Employees should adhere to the rules and objectives of work and performance established as the standard for their positions. Likewise, employees should avoid extending their authority or to breach the laws or regulations or in any way perform their duties in such a fashion as to compromise the responsibilities of the County.
- (E) Employees shall keep the needs of the citizen foremost in their minds and strive to meet these needs as their assigned duties require.
- (F) Employees should adhere to the rules of work and performance established as the standard for their position by the appropriate authority.

15.5 CAUSES FOR DISCIPLINE, SUSPENSION, DEMOTION, OR DISMISSAL

An employee may be disciplined, suspended, demoted, or dismissed, depending upon the gravity of the actions when the employee:

- (A) has been convicted of a felony or of a misdemeanor involving moral turpitude or other criminal acts such that continued performance of duties may be compromised;
- (B) willfully falsifies County records (including time records, leave records, County job applications, or pay or reimbursement vouchers), is grossly negligent with County property, or misuses County property;
- (C) violates any workplace rule established by the supervisor or the County;
- (D) is rude and discourteous in the performance of official duties, threatens co-workers, or uses physical violence while on duty;
- (E) violates any lawful official regulation or order or willfully fails to obey any proper direction made and given by the supervisor, department head or the County Administrator;
- (F) uses or is impaired at work by intoxicants, drugs, or alcohol;

- (G) grossly neglects duty or is continually unable or unwilling to render satisfactory performance;
- (H) takes property of the County for one's personal use, for sale to another, or for a gift to another;
- (I) induces, or has attempted to induce, an officer or employee in the service of the County to commit an unlawful act or to act in violation of any lawful or official regulation or order;
- (J) accepts any bribe, gift, token, money, or other thing of value intended as an inducement to perform or refrain from performing any official acts, or engages in any action of extortion or other means of obtaining money or other things of value through his/her position in the County;
- (K) fails to report for work or is absent without prior notice to supervisor;
- (L) has unsatisfactory attendance, excessive absences, or excessive tardiness;
- (M) divulges or discusses any official information, having previously been deemed to be confidential, and not having previously been made public, or discloses confidential information to any person unless directed to do so by the supervisor;
- (N) fails to obtain written approval to engage in secondary employment;
- (O) borrows money or goods, or accepts valuable gifts from residents, their families, or vendors;
- (P) violates the Equal Employment Opportunity policy;
- (Q) fails to conduct him or herself or dress in a professional manner. This list is not exclusive and other inappropriate conduct may be subject to disciplinary action;
- (R) violations of the Standards of Conduct (§15.4); or
- (S) other misconduct of a serious nature.

15.6 PRE-SUSPENSION OR TERMINATION PROCEDURE

Prior to any suspension, demotion, or termination, the employee will be provided with a summary of the charge and the basis for it. Except in compelling circumstances, the employee will be given an opportunity to respond prior to the action becoming effective. If notice is not provided under the compelling circumstance exception, the employee will be provided the notice and the opportunity to respond within two (2) business days.

5.5 SALARY INCREASES

As the Board of Supervisors may approve, from time to time, employees, including the County Administrator, may receive a general salary increase to reflect the increase in the cost of living or to recognize meritorious performance. Merit increases are granted solely on individual performance criteria that have been met during the evaluation period. If the Board provides a merit increase, the amount of the increase awarded to each employee will be according to the following ratings:

<u>Evaluation Rating</u>	<u>Percentage Amount of Merit Increase</u>
3.8 and above	100%
3.6 to 3.79	75%
3.4 to 3.59	50%
3.2 to 3.39	25%
3.19 and under	0%

6.7 WORKERS' COMPENSATION

The Virginia Workers' Compensation Act provides benefits for an employee in the event of compensable occupational illnesses, injuries, or deaths. Any job related accident, no matter how insignificant, must be reported to the supervisor as soon as possible.

The supervisor shall be responsible for obtaining from the employee, his/her co-workers, and/or his/her attending physician the cause(s) and effect(s) of the injury or illness and report, in a manner prescribed by the County Administrator, the following information:

- Employee's name and classification;
- Nature of injury;
- Date and time of injury;
- Cause of injury;
- Place where injury occurred;
- Nature of any medical services required; and
- Any known or projected time lost from work as a result of injury.

Such report shall be completed and submitted to the County Administrator by close of business that day.

The County has selected a panel of physicians to whom employees must go for all work-related injuries. Supervisors are to inform employees of the physicians included in the panel. In the event an injury requires immediate medical attention, the employee may go directly to the nearest hospital emergency room; follow-up care must be with the panel of physicians.

Until a determination is made that there is a compensable Workers Compensation injury or illness, the employee will be required to use his or her accrued leave balances. If the determination is made that the injury or illness is compensable under the Workers' Compensation Act or that the leave is an approved Workers' Compensation absence, the employee may have his or her leave balances restored if the employee reimburses the County the full value of the leave (salary or wages plus benefit costs) used for such injury or illness.